

The Honorable Lisa P. Jackson

Administrator

U. S. Environmental Protection Agency

Water Docket, Mailcode: 28221T

1200 Pennsylvania Ave., NW

Washington, DC 20460

Re: Chesapeake Bay TMDL -- Docket no. EPA-R03-OW-2010-0736

Dear Administrator Jackson:

The Piedmont Environmental Council, founded in 1972, has worked to promote and protect the natural resources, rural economy, history and beauty of the northern Virginia Piedmont both by encouraging direct action by landowners and citizens in the region and by advocating for public policies. The service area of the PEC, all of which is within the Chesapeake Bay watershed, is renowned for its scenic landscapes and rural economy. Support for both of these values includes interest and support for water resources, although public understanding of what is necessary to protect water quality and provide for long term sustainability of water supplies is evolving. PEC is committed to assisting local, state, regional, and federal agencies in achieving the goal of improving water quality in the streams and rivers through-out the Chesapeake Bay watershed and thereby improving water quality in the Chesapeake Bay.

The PEC acknowledges the prominent Federal role in the future success of achieving the Chesapeake Bay TMDL, as a coordinator, a collaborator, and as providing oversight and enforcement as authorized.

The Federal government needs to hold the partners to the Chesapeake Bay agreement accountable for achieving water quality goals and TMDL allocations for all the tributaries, as well as Chesapeake Bay itself. The Commonwealth of Virginia should be expected to provide detailed descriptions of how the programs that it identifies in the Water Quality Improvement Program will be implemented, including

existing and planned policies. In particular, the EPA should require the Commonwealth of Virginia to identify needed legislative, regulatory, and revenue authority necessary to accomplish the goals agreed to in the WIP.

PEC commends the attention to the Federal government as a major landowner within the Chesapeake Bay watershed and the importance of federal land managers leading by example. Needless to say, there is much work to be done. Federal lands, Federal office space, and private office space constructed and managed to meet Federal agency needs are a huge component of real estate development in the region. One only has to visit the offices of the various Federal partners to the Chesapeake Bay program to observe that Federal criteria for leasing office space need to include clear language on the application of best management practices for Low Impact Development and buffering of riparian areas. In the Piedmont region, the Federal Emergency Management Agency facility at Mount Weather has reduced forest cover and increased impervious surface dramatically.

Similarly, Federal aid highway construction represents one of the largest conversions of land to impervious surface and a major sediment and erosion challenge. The recent experience of the persistent failures of storm water controls along the I-95 and Beltway is just the most glaring example of the need for a higher priority to protect water quality in Federal funded transportation and construction projects. EPA needs to reconsider the wisdom of allowing general permits for transportation agencies with respect to non-point source controls, especially for major transportation projects in the Chesapeake Bay region.

Federal funding for construction of new and reconstructed suburban and urban storm water systems is also necessary. A regional estimate for construction, reconstruction and maintenance should be included in EPA's final TMDL, as well as the potential sources of revenue.

PEC believes that EPA has too readily dismissed the potential for voluntary, incentive based programs to achieve some of the goals for the reduction of non-point source pollution, particularly in the agricultural sector. The rhetorical device of claiming that the historic reliance on voluntary programs in the agricultural sector to reduce non-point source contributions of sediment has failed ignores the fact that pollution from agricultural sources has declined, whereas pollution from urban and suburban non-point sources has increased dramatically

Cattle, other livestock, and the equine industry, along with the hay and grain that sustains them, are the dominant agricultural uses. In the past decade, growing interest in local food supply and agricultural tourism has reinvigorated produce production. Vineyards and wine production have also expanded dramatically. Each of these uses has the potential to either supplement or conflict with efforts to protect water quality. But for the most part, the trends are favorable. Within the PEC service area, more than 160,000 acres of prime farm soils and important farms have been placed into conservation easement. Most of those easements include specific provision for protection of riparian areas, including vegetated buffers of 35 to 100 feet along perennial streams and rivers.

Similarly, the interest in protecting scenic and historic values that are the basis for recreation and heritage tourism in the Piedmont region has facilitated the conservation of additional lands, including

critical riparian, wetlands, and forested areas. Fully 325,000 acres of land in the PEC service area have been placed in conservation easement, most of which include limits on structures and roads, require forest management plans and include requirements for vegetated buffers of 35 to 100 feet along perennial streams and rivers.

PEC believes that there remains potential to expand participation in voluntary programs. Consistent administration, expanded collaboration with local and non-profit agencies to increase landowner education and technical assistance, and expanded funding of a variety of federal, state, and local programs all will help achieve the ambitious goals set out by the Chesapeake Bay TMDL.

Sincerely,

Christopher G. Miller

President